

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10106JLT

ZHANNA CHIZHIK,
Administratrix of the Estate
of Grigory Chizhik,
Plaintiff

v.

SEA HUNT BOATS, INC.,
TROPICLAND MARINE
AND TACKLE, INC., and
GREGORY ZILBERMAN,
Defendants.

DEFENDANT SEAT HUNT BOAT'S MOTION FOR SUMMARY JUDGMENT

Defendant Sea Hunt Boats, Inc. ("Sea Hunt") respectfully moves the Court to grant summary judgment in its favor on the plaintiffs' Complaint because no genuine issue of material fact remains to be tried and the defendant is entitled to judgment as a matter of law. See Fed. Civ. P. 56. As grounds for this motion, the defendant states that the plaintiff cannot produce evidence of a defect in the subject product in this complex products liability case. The case arises out of the capsizing of a Sea Hunt Navigator 22" pleasure boat outside of the Boston Harbor islands on May 25, 2003. The plaintiff alleges that an undisclosed alleged defect in the boat caused her decedent's accident and harm.

Throughout the course of litigation, however, the plaintiff has resisted Sea Hunt's effort to determine the nature of the alleged product defect, with the evident intent that expert witness disclosure would adequately specify the plaintiff's theory of defect. The plaintiff made no disclosure of expert witnesses within the time set by the Court's scheduling order, nor did she

so within the time allowed by the Court in an extended scheduling order. The plaintiff sought leave to file her purported expert witness disclosure late, which motion the Court denied.

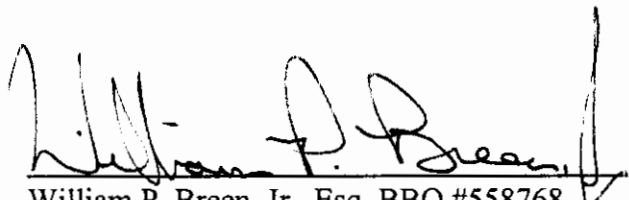
The Court should enter summary judgment in favor of Sea Hunt. The plaintiff can provide no evidence of product defect, nor of causation, and therefore cannot prevail.

Exhibits to this motion, a Concise Statement of the Materials Facts of Record, and a supporting memorandum of law are filed with this motion.

WHEREFORE, defendant Sea Hunt Boats, Inc. respectfully moves the Court to allow its motion for summary judgment and to enter Judgment in its favor and against the plaintiff.

THE DEFENDANT REQUESTS ORAL ARGUMENT OF THIS MOTION.

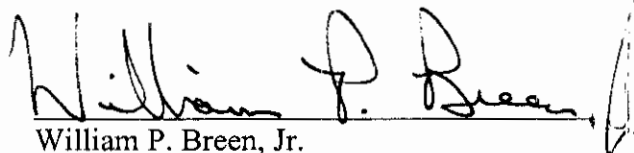
The Defendant,
SEA HUNT BOATS, INC.
By Its attorneys,



William P. Breen, Jr., Esq. BBO #558768
Rebecca L. Andrews, Esq., BBO #644846
Murphy, Hesse, Toomey & Lehane, LLP
300 Crown Colony Drive, Suite 410
P.O. Box 9126
Quincy, MA 02269-9126
(617) 479-5000

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

The undersigned attorney certifies that prior to filing the above motion, he conferred in good faith with opposing counsel to narrow the issues raised by this motion.



William P. Breen, Jr.

CERTIFICATION OF SERVICE

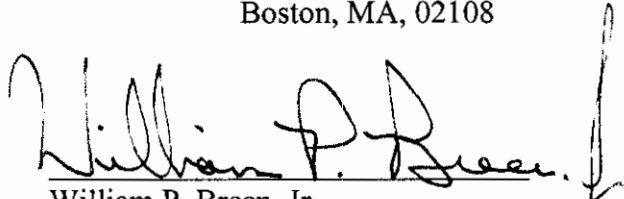
The undersigned attorney hereby certifies that on this 16th day of June 2005, he served a cc of the foregoing document, via first class mail, upon the following

David B. Kaplan, Esq.
Jay O'Brien, Esq.
The Kaplan/Bond Group
88 Black Falcon Avenue, Suite 301
Boston, MA 02210

Philip M. Hirshberg, Esq.
Morrison, Mahoney & Miller, LLP
250 Summer Street
Boston, MA 02210

David C. Stadolnik, Esq.
Smith & Brink, P.C.
122 Quincy Shore Drive
Second Floor
Quincy, MA 02171

James T. Scamby, Esq.
Tucker, Heifitz & Saltzman
Three School Street
Boston, MA, 02108


William P. Breen, Jr.